

  
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

ATTY.'S DOCKET: OKAMURA=2E

In re Application of: ) Art Unit: 1646  
OKAMURA et al. )  
Serial No.: 09/373,230 ) Examiner: D. Jiang  
Filed: August 12, 1999 ) Washington, D.C.  
For: IFN-( PRODUCTION INDUCING )  
PROTEIN AND MONOCLONAL )  
ANTIBODY OF THE SAME )

#6

TERMINAL DISCLAIMER

Honorable Commissioner of Patents and Trademarks  
Washington, D.C. 20231

Sir:

KABUSHIKI KAISHA HAYASHIBARA SEIBUTSU KAGAKU  
KENKYUJO, a corporation of the Country of Japan, having a  
principal place of business at 2-3, 1-chome, Shimoishii,  
Okayama-shi, Okayama, Japan, (hereinafter referred to as  
"Assignee"), is the owner of 100% of the entire right, title  
and interest in and to the above-identified application and any  
patent to be granted thereon. Assignee, through its  
undersigned agent of record, hereby disclaims the terminal part  
of any patent granted on the above-identified application which  
would extend beyond the expiration date of the full statutory  
term of United States Patent No. 5,912,324, plus any extension  
thereof which may be subsequently granted, and hereby agrees  
that any patent so granted on the above-identified application

shall be enforceable only for and during such period that said patent is commonly owned with United States Patent No.

5,912,324, this agreement to run with any patent granted on the above-identified application and to be binding upon the grantor, its successors or assigns. Assignee does not disclaim any terminal part of any patent granted on the above-identified application prior to the expiration date of the full statutory term of United States Patent No. 5,912,324 in the event that it later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. §1.321(1), has all claims cancelled by reexamination certificate, or is otherwise terminated prior to expiration of its full statutory term, except for the separation of legal title stated above. This terminal disclaimer is being made without waiver of petitioner's rights under 35 U.S.C. §156, or elsewhere, which may be available to extend the term of any patent granted on the above-identified application beyond the date set by this terminal disclaimer (37 C.F.R. §1.775(a)). The fee required by 37 C.F.R. §1.20(d) is attached hereto.

It is Assignee's intent that the amount of time disclaimed and the scope of the common ownership clause be the minimum required by law and this document is to be construed to effectuate said intent. No admission is made that any claim of

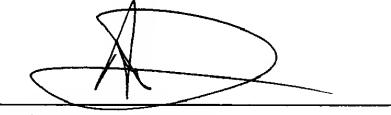
In Re Appln. 09/373,230

the above-identified application is obvious over any claim of  
Patent No. 5,912,324.

Respectfully submitted,

BROWDY AND NEIMARK, P.L.L.C.

By

  
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